

## REMARKS

Applicant has claims 5-6 and 8 to more clearly define the present invention.

Examiner rejected claims 8-9 under 35 U.S.C. 102(e). In particular, the Examiner  
stated:

Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard et al (US Patent No. 5,924,068).

Regarding claims 8 and 9, Richard et al teach an electronic news receiving device that receives text data for an electronic edition of a newspaper and allows the user to determine which articles are read and vary the rate at which the articles are read. The device of Richard et al implements

Accessing and retrieving an electronic newspaper at a particular time at col. 8, lines 4-27

Obtaining a user specified presentation rate and altering the presentation rate of the retrieved articles at the Abstract and col. 19, lines 9-12

Retrieving and presenting several user specified articles at col. 9, line 63 continuing to col. 10, line 2.

Applicant has amended claim 8 to more clearly define the present invention. As such, Applicant respectfully traverses the Examiner's rejection regarding claims 8-9.

Applicant respectfully submits that Richard et al. does not anticipate claims 8-9 because Richard et al. does not teach or disclose, explicitly or inherently, one or more elements of these claims. **First**, Applicant respectfully submits that Richard et al. does not teach or disclose a step of accessing information identifying a media work as required by claims 8 and 9. This can be appreciated from the following, see Richard et al. at col. 8, lines 4-27:

Referring to FIG. 1, once the section list and the associated section bits have been stored in memory 141, the newsreader 100 is ready to receive the electronic newspaper. In the exemplary embodiment, the receiver 130 receives the electronic edition of the newspaper in the early morning hours before dawn. The receiver 130 contacts the transmitter 120 and initiates the transfer of the electronic edition of the newspaper to the newsreader 100. FIG. 9 shows hardware elements within the receiver 120 which are used

for the automatic downloading of the electronic edition of the newspaper. As shown in FIG. 9, the receiver 130 includes a timer 1310. The timer 1310 determines whether it is time to call the electronic news preparer. At the appropriate time (some time in the early morning) the timer 1310 instructs the modem 1320 to call the transmitter. As described above, other communications devices may be used. For example, if the electronic edition of the newspaper is received through AM/FM SCA broadcast, the timer would enable a tuner/demodulator circuit (instead of modem 1320) to begin receiving the electronic edition of the newspaper. In addition, the electronic edition of the newspaper may be provided from another source such as a cable company which is provided the electronic edition by the electronic news provider. (Emphasis added)

As the Examiner can see from this, Richard et al. does not teach or disclose a step of “accessing information identifying a media work” as required by claims 8 and 9.

**Second**, Applicant respectfully submits that, although Richard et al. teaches (see the quote set forth above) using a timer that causes a receiver to retrieve an electronic newspaper, this is not a step of accessing a time to retrieve the media work as required by claims 8 and 9.

**Third**, Applicant respectfully submits that Richard et al. does not teach or disclose altering a presentation rate of a media work to create an altered work as required by claims 8 and 9. This can be appreciated from the following quote, see Richard et al. at col. 19, lines 9-12:

Speech Rate

The text-to-speech converter 170 has an average default speech rate is 170 words per minute. The user can select an average speech rate from 120 to 240 words per minute.

As the Examiner can see from this, Richard et al. teaches using an average speech rate to synthesize speech from text. Thus, Richard et al. does not teach or disclose a step of altering the presentation rate of the media work to create an altered work as required by claims 8 and 9.

Fourth, specifically as to claim 9, Applicant respectfully submits that Richard et al. does not teach or disclose a step of concatenating several altered media works to form a concatenated media work as required by claim 9. This can be appreciated from the following quote, see Richard et al. at col. 9, line 63 to col. 10, line 2:

To playback the stored articles, the user operates the playback controls 162, shown in detail in FIG. 13. The user first presses the Sections button 511. The headlines of the articles in the current section are consecutively read to the user. In addition, the current section is displayed on LCD 430 (shown in FIG. 4). Once the headlines for the current section are read, the newsreader automatically begins reading the headlines for the next section.

As the Examiner can see from this, Richard et al. does not teach or suggest creating an altered work, let alone several altered works. Thus, Richard et al. does not teach a step of concatenating several altered media works to form a concatenated media work as required by claim 9.

In light of the above, Applicant respectfully requests that the Examiner withdraw this rejection.

Examiner rejected claims 1-7 and 10-13 under 35 U.S.C. 103(a). In particular, the Examiner stated:

Claims 1-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al in view of Oikawa et al (US Patent No. 5,396,577).

Regarding claims 1-7 and 10-13, Richard et al teach  
Presenting the retrieved electronic newspaper at col. 9, line 63-col. 10, line 14

Obtaining user input regarding presentation rate at col. 19, lines 9-12

Keyword searches at col. 15, line 36 continuing to col. 16, line 10

Determining duration information based on segments of the retrieved information at col. 14, lines 36-45

Richard et al do not specifically teach correlating the keywords for retrieving articles to a specific rate at which the text-

to-speech converter presents the information. Refer to Oikawa et al who teach a speech synthesis apparatus for rapid speed reading, which implements

assigning playback rates to segments based on categorizations of a determined degree of importance for the text at col. 3, line 37 - col. 5, line 4

generating synthetic speech based on the assigned playback rates and allows for the omission of speech for segments in which an indication of a slow playing rate was identified at col. 5, lines 28-37.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Richard and implement associating playback rates based on specific categories as taught by Oikama et al, for the purpose of ensuring that a user's preference for playback rates for a specific category of newspaper article is always maintained.

Applicant has amended claims 5-6 to more clearly define the present invention. As such, Applicant respectfully traverses the Examiner's rejection regarding claims 1-7 and 10-13.

Applicant respectfully submits that the teachings of Richard et al. and Oikama et al. are completely different from present claims 1-7 and 10-13. In addition, Applicant respectfully submits that the Examiner has not provided the type of evidence of a teaching, motivation, or suggestion to combine these references that is required in these circumstances (namely, a rejection based on obviousness), see In re Sang Su Lee, (Fed. Cir. 00-1158, Decided Jan. 18, 2002) which states at p. 7, "When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness." and "'The factual inquiry whether to combine references must be thorough and searching.' ... It must be based on objective evidence of record."

Specifically, the Examiner's evidence regarding a teaching, motivation, or suggestion is: "Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Richard and implement associating playback rates based on specific categories as taught by Oikama et al, for the purpose of ensuring that a user's preference

for playback rates for a specific category of newspaper article is always maintained. (Emphasis added)” Applicant respectfully submits that this is a conclusory statement that does not fulfill the requirement (as set forth above) of the Federal Circuit. Further, as will be set forth in detail below, even if one of ordinary skill in the art were to combine the teachings of Richard et al. and Oikama et al., that one would not arrive at the inventions of claims 1-7 and 10-13.

Richard et al. teaches: (a) reading an electronic version of a newspaper to a user, and (b) that the user can listen to desired sections of the electronic newspaper. This can be appreciated from the following quote, see Richard et al. at col. 9, line 63 to col. 10, line 4:

To playback the stored articles, the user operates the playback controls 162, shown in detail in FIG. 13. The user first presses the Sections button 511. The headlines of the articles in the current section are consecutively read to the user. In addition, the current section is displayed on LCD 430 (shown in FIG. 4). Once the headlines for the current section are read, the newsreader automatically begins reading the headlines for the next section. If the user wishes to switch sections, the Section button 511 is pressed. If the user wants to hear the entire article corresponding to a read headline, the Read button 512 is pressed.

Applicant agrees with the Examiner that Richard et al. discloses that a user can retrieve articles based on a keyword search. In addition, Applicant agrees with the Examiner that “Richard et al do not specifically teach correlating the keywords for retrieving articles to a specific rate at which the text-to-speech converter presents the information.” In fact, Applicant respectfully submits that Richard et al. does not teach, hint or suggest, in any manner whatsoever, correlating content or properties of portions of a media work with presentation rates for the portions. This can be appreciated from the following quote regarding speech rate, see Richard et al. at col. 19, lines 9-12:

#### Speech Rate

The text-to-speech converter 170 has an average default speech rate is 170 words per minute. The user can select an average speech rate from 120 to 240 words per minute.

Oikawa et al. teaches away from analyzing content of text data to perform rapid reading, see Oikama at col. 1, line 62 to col. 2, line 10. In particular, Oikama et al. teaches inputting data into a speech synthesis apparatus, which data contains both an input text portion and information which describes a degree of importance of the text portion. Oikama et al. then teaches using the degree of importance to determine whether to skip portions of the text associated with degrees of importance below a selected amount. However, as disclosed at col. 3, line 37 to col. 4, line 31 of Oikama et al., a speed used to provide speech is determined by speed instruction generating unit 13 (see FIG. 2), and that any speed (normal, rapid speed 1, or rapid speed 2) may be used with any degree of importance, see Table 1 at cols. 3-4. In particular, Oikama et al. does not teach, hint or suggest, in any manner whatsoever, obtaining user input regarding presentations rates for a portion of the input, or correlating content or properties of the portion with the user input presentation rates.

Now let us turn to the claims.

**As to claims 1-2:** Applicant respectfully submits that Richard et al. and Oikama et al. are both completely different from claims 1-2 which require presenting a media work, obtaining user input regarding presentation rates for the portions of the work, correlating content or properties of the portion with the user input presentation rates, and associating audience affinity or aptitude with the correlated content or properties. As set forth above, Richard et al. teaches reading a newspaper where headlines of articles are read to a user, and the user can elect to have the entire article read. Further, Richards et al. teaches that the user can cause a speech rate of the article to be changed. As the Examiner can readily appreciate from this, there is no hint or suggestion for correlating content or properties of portions of the media work with presentation rates input by the user. Further, there is no hint or suggestion of associating audience affinity or aptitude with the correlated content or properties. As set forth above, Oikama et al. teaches inputting text data and degree of importance data into a speech synthesis apparatus, and using the degree of importance data to determine whether to skip portions of the text. Further, Oikama et al. does not teach, hint or suggest, in any manner whatsoever, obtaining user input regarding presentations rates for a portion of the input, or correlating content or properties of the portion with the user input presentation rates. Still further, Oikama et al. does

because neither Richard et al. nor Oikama et al. teach, hint or suggest this, and because Oikama et al. teaches away from this.

**As to claim 6:** Applicant respectfully submits that Richard et al. and Oikama et al. are both completely different from claim 6 which requires associating a presentation order with detected content or properties, and associating a presentation rate with the detected content or properties. As set forth above in regard to claims 3-4, neither Richard et al. nor Oikama et al. teach, hint or suggest associating a presentation order with detected content or properties. Further, as set forth above, Oikama et al. does not teach detecting content or properties in a work. In fact, as set forth above, Oikama et al. teaches away from this. Lastly, there is no teaching, motivation, or suggestion anywhere to combine Richard et al. or Oikama et al. However, even if one did combine them, they still would not teach associating a presentation order and a presentation rate with detected content or properties because neither Richard et al. nor Oikama et al. teach, hint or suggest this, and because Oikama et al. teaches away from this.

**As to claim 7:** Applicant respectfully submits that Richard et al. and Oikama et al. are both completely different from claim 7 which requires presenting a media work, obtaining user input regarding presentation rates for portions of the work, and correlating the presentation rates with aptitude for content or properties of the portions. As set forth above, neither Richard et al. nor Oikama et al. teach, hint or suggest correlating user input presentation rates with audience aptitude for content or properties of the portions. Lastly, there is no teaching, motivation, or suggestion anywhere to combine Richard et al. or Oikama et al. However, even if one did combine them, they still would not teach correlating user input presentation rates with audience aptitude for content or properties of the portions because there is no teaching hint or suggestion to do this in either Richard et al. or Oikama et al.

**As to claims 10-11:** Applicant respectfully submits that Richard et al. and Oikama et al. are both completely different from claims 11-12 which require detecting properties in a portion of a media work, and associating a presentation rate of the portion with the detected properties. As set forth in the specification, the term properties relates to information that is obtained from a media work other than content (as set forth, for example, and without limitation, at p. 96, line 20 - p. 97, line 13 properties could be speaker identification -- by voice or face; and

at p. 97, line 26 - p. 98, line 17 properties could be a number of people in a camera view, number of objects in a scene, number of animals in a scene, and so forth). Thus, neither Richard et al. nor Oikama et al. teach, hint or suggest detecting properties in a portion of a media work, and associating a presentation rate of the portion with the detected properties. Lastly, there is no teaching, motivation, or suggestion anywhere to combine Richard et al. or Oikama et al. However, even if one did combine them, they still would not teach detecting properties in a portion of a media work, and associating a presentation rate of the portion with the detected properties because there is no teaching hint or suggestion to do this in either Richard et al. or Oikama et al.

**As to claims 12-13:** Applicant respectfully submits that Richard et al. and Oikama et al. are both completely different from claims 11-12 which require segmenting a media work into segments having a single presentation rate, determining the length of the segments, computing the duration of the segments after applying a presentation rate, and summing the durations to determine a duration of an altered media work.

The Examiner has asserted that Richards et al. teaches “determining duration information based on segments of the retrieved information.” Applicant respectfully disagrees and submits that Richard et al. does not teach performing a duration calculation for use in computing a duration of presentation of the work. This can be appreciated from the following quote, see Richard et al. at col. 14, lines 36-43:

The duration calculation module 723 computes the length of each phoneme segment based on several observations about the segment and its environment. For instance, vowel phonemes are generally longer than consonant phonemes. Also, phonemes which precede the vowel in a stressed word are longer than the same phonemes in a non-stressed word. Several similar rules are applied to each segment to calculate the final duration of each segment.

As the Examiner can appreciate from this quote, Richard et al. teaches performing a duration calculation merely to create spoken output. In other words, Richard et al. teaches performing a duration calculation to enable speech output to sound as much like a natural person as possible, and not like a machine. For example, Richard et al. teaches that a phoneme which



precedes a vowel in a stressed word has longer duration than the same phoneme in a non-stressed word because, otherwise, the speech would sound “machine-like.”

In fact, neither Richard et al. nor Oikama et al. teach, hint or suggest determining a duration of an altered media work. Although Richard et al. teaches determining durations of phoneme segments, this does not in any way teach, hint or suggest segmenting a media work into segments having a single presentation rate, determining the length of the segments, computing the duration of the segments after applying a presentation rate. Lastly, there is no teaching, motivation, or suggestion anywhere to combine Richard et al. or Oikama et al. However, even if one did combine them, they still would not teach segmenting a media work into segments having a single presentation rate, determining the length of the segments, computing the duration of the segments after applying a presentation rate because there is no teaching hint or suggestion to do this in either Richard et al. or Oikama et al.

In light of the above, Applicant respectfully requests that the Examiner withdraw this rejection.

Examiner stated:

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cragun et al (US Patent No. 5,859,662) disclose an apparatus and method for selectively viewing video information.

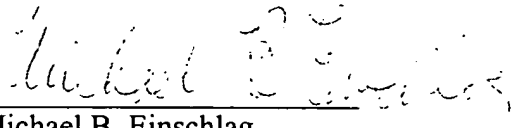
Applicant respectfully submits that the above-referenced art is no more relevant to the present invention than the art discussed above.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned “Version with markings to show changes made.”

In light of the above, Applicant respectfully submits that all remaining claims are allowable. Should the Examiner have any questions or wish to discuss any aspect of the application, a telephone call to the undersigned would be welcome.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Not Amended) A method for inferring audience affinity or aptitude with regard to content or properties of portions of a media work which comprises:  
presenting the media work to an audience;  
obtaining user input regarding presentation rates for the portions of the media work;  
correlating content or properties of the portion with the presentation rates; and;  
associating audience affinity or aptitude with the correlated content or properties.

2. (Not Amended) The method of claim 1 wherein the presentation rates include a rate which causes a portion to be skipped.

3. (Not Amended) A method of utilizing audience affinity or aptitude associated with content or properties to present a media work which comprises:  
detecting content or properties in a portion of the media work;  
associating a presentation rate of the portion with the detected content or properties; and  
presenting the portion at the presentation rate.

4. (Not Amended) The method of claim 3 wherein associating includes accepting user input to determine the presentation rate.

Claim 5 has been amended as follows:

5. (Amended) A method of utilizing audience affinity or aptitude associated with content or properties to present a media work which comprises:  
detecting content or properties in portions of the media work;  
associating a presentation order with the detected content or properties; [and]  
reordering the portions according to the presentation order; and  
presenting the media work in accordance with the presentation order.

Claim 6 has been amended as follows:

6. (Amended) A method of utilizing audience affinity or aptitude associated with content or properties to present a media work which comprises:  
detecting content or properties in portions of the media work;

associating a presentation order with the detected content or properties; and  
presenting the media work in accordance with the presentation order;

[The method of claim 5] wherein the step of associating further comprises associating a presentation rate of the portion with the detected content or properties; and the step of presenting comprises presenting the media work in accordance with the presentation order and the presentation rates.

7. (Not Amended) A method of testing aptitude of a audience for content or properties of portions of a media work which comprises:  
presenting the media to the audience;  
obtaining user input regarding presentation rates for portions of the media work;  
and

correlating the presentation rates with the aptitude for the content or properties of the portions.

Claim 8 has been amended as follows:

8. (Amended) A method of presenting media works which comprises:  
accessing information identifying a media work and a time to retrieve the media work;

retrieving the identified media work at the time;  
accessing presentation rate information for use in altering the presentation rate of the media work; and

altering the presentation rate of the media work to create an altered work.

9. (Not Amended) The method of claim 8 which further comprises:  
concatenating several altered media works to form a concatenated media work;  
and

presenting the concatenated media work.

10. (Not Amended) A method of presenting a media work which comprises:

detecting properties in a portion of the media work;  
associating a presentation rate of the portion with the detected properties; and

presenting the portion at the presentation rate;  
wherein the presentation rates provide a substantially uniform rate of content presentation.

11. (Not Amended) A method of presenting a media work which comprises:

detecting properties in a portion of the media work;  
associating a presentation rate of the portion with the detected properties;  
presenting the portion at the presentation rate; and  
wherein the properties comprise indicia of actions of objects.

12. (Not Amended) A method of determining the duration of an altered media work having a presentation rate of one or more of its segments that differs from that of a media work used to create the altered media work, which method comprises:

segmenting the media work into segments having a single presentation rate;  
determining the length of the segments of the media work;  
computing the duration of the segments of the media work after application of the presentation rate; and  
summing the durations to determine the duration of the altered media work.

13. (Not Amended) The method of claim 12 which further comprises:  
excising segments from the media work having a presentation rate that exceeds a predetermined threshold.